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HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

CORAM : HON'BLE SHRI S.R.NAYAK, CJ.
HON'BLE SHRI V.K.SHRIVASTAVA, J.

Misc Appeal (C) No.294 of 2006

APPELLANT : APPLICANT — Shyamlal Verma S/o Gambhirlal Verma, aged about 39 years, Agriculturist and Poultry Farm Owner,R/o Ghumka, Distt.Rajnandgaon

Versus

RESPONDENTS : NON-APPLICANTS

1. Tamesh Kumar Verma S/o Videshiram Verma aged about 22 years, Driver
2. Videshiram Verma S/o Sukhram Verma aged about 55 years, owner of the vehicle Both are resident of Village - Harduwa, Tah.Ghumka, Distt. Rajnandgaon (C.G.)

PRESENT:
Shri V.K.Sharma, counsel for the appellant.

ORAL ORDER
(Dated 16th November, 2006)

The following oral order of the Court was passed by

S.R.Nayak, CJ. :

In this appeal, the appellant-injured has sought for more compensation. Learned counsel for the appellant would submit that though the appellant has sustained 30% permanent disability on right leg, the MACT has not awarded reasonable compensation towards loss of future income nor anything towards loss of amenities of life. It was next contended by learned counsel for the appellant that though the appellant / claimant produced medical bills of Rs.45,000/-, the MACT has awarded a sum of Rs. 11,000/- only towards medical expenses. These were the only two contentions urged by learned counsel for the appellant-injured. We do not find merit in both the contentions. Admittedly, the appellant did not examine the doctor in the case. Whether the appellant has sustained permanent disability and if it is so, what is the degree of permanent disability and in terms of functional efficacy of the injured how that disability

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would operate in future etc. squarely fall within the domain of the medical evidence. Since there is total lack of substantive legal evidence, the MACT cannot be blamed that it committed material irregularity in not taking the un-testified certificate produced by the appellant. The second contention is required to be noticed only to be rejected. We have perused the impugned award. In para 20 of the impugned award the MACT pointed out that the appellant has produced medical bills only for Rs. 10,283/- and on that basis the MACT has awarded a sum of Rs. 11,000/- towards medical expenses. Nothing is placed before us to show that the appellant has produced medical bills for Rs. 45,000/-. The appeal is devoid of merit and it is accordingly dismissed. No costs.

Sd/-
Chief Justice

Sd/-
V.K.Shrivastava
Judge

Subhan